

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

MDL No. 2419  
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**PLAINTIFFS' STEERING COMMITTEE'S RESPONSE TO PREMIER'S  
ASSENTED-TO MOTION TO FILE MASTER ANSWERS**

The Plaintiff's Steering Committee ("PSC") hereby responds to Premier's Assented-To Motion to File Master Answers [Dkt. No. 1535] (the "Motion").

In view of the economies and efficiencies to be gained by the procedure further detailed in the Motion concerning the filing of master answers by the Premier Defendants, the PSC and counsel representing individual New Jersey Plaintiffs with claims against the Premier Defendants have further conferred with the Premier Defendants.

The parties recognize and agree that the complaints in either long form or short form naming the Premier Defendants are substantially similar and contain essentially similar if not identical claims against the same defendants and that the administrative burden of submitting an Affidavit of Merit ("AOM") from a medical expert as to more than 50 substantially identical complaints is a heavy one.

All parties have agreed that any Order issued by the Court as a result of the Motion should also provide an equivalent efficiency regarding obligations imposed on the New Jersey plaintiffs under state law concerning the submission of affidavits of merit

(“AOM”). N.J.S.A. 2A:53A-26 et seq., and/or the New Jersey Medical Care Access and Responsibility and Patients First Act of 2004, N.J.S.A. 2A:53A-38 et seq. (“New Jersey AOM statutes”). The parties have agreed that the filing of one representative AOM relating to any named Premier Defendant should serve to satisfy, for all plaintiffs suing any such defendant (currently or in the future), the requirements of the New Jersey AOM statutes.

The parties have conferred and agree that any Court Order should also provide that a single representative AOM relating to any named Premier Defendant shall serve to satisfy the New Jersey AOM statutes and shall apply in all cases naming the individual Premier Defendant, currently filed, to be filed in this Court, or transferred to this Court in the future. The aforementioned processes will provide cost savings and time efficiencies for all New Jersey parties involved in this MDL proceeding.

The PSC represents that it has conferred with counsel for the Premier Defendants, and counsel for individual plaintiffs with claims against the Premier Defendants and they agree to such procedure.

For the Court’s convenience, attached hereto as Exhibit A is an assented and joint proposed Case Management Order addressing both the issue of the filing of Master Answers by the Premier Defendants and the use of representative Affidavit of Merits. All parties have agreed to the terms of the Proposed Order.

November 20, 2014

Respectfully Submitted,

**/s/ Kristen A. Johnson**

Thomas M. Sobol  
Kristen A. Johnson  
HAGENS BERMAN SOBOL  
SHAPIRO LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
Telephone: (617) 482-3700  
Facsimile: (617) 482-3003  
tom@hbsslaw.com  
kristenj@hbsslaw.com

*Plaintiffs' Lead Counsel*

Mark Zamora  
ORLANDO FIRM  
315 West Ponce de Leon Ave, #400  
Decatur, GA 30030  
Telephone: 404-373-1800  
mark@markzamora.com

*Plaintiffs' Steering Committee*

Elizabeth J. Cabraser  
Mark P. Chalos  
Annika K. Martin  
LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
150 Fourth Avenue North, Suite 1650  
Nashville, TN 37219  
Telephone: (615) 313-9000  
Facsimile: (615) 313-9965  
ecabraser@lchb.com  
mchalos@lchb.com  
akmartin@lchb.com

*Federal/State Liaison*

Marc E. Lipton  
LIPTON LAW  
18930 W. 10 Mile Road  
Southfield, MI 48075  
Telephone: (248) 557-1688  
Facsimile: (248) 557-6344  
marc@liptonlawcenter.com

Patrick T. Fennell  
CRANDALL & KATT  
366 Elm Avenue, S.W.  
Roanoke, VA 24016  
Telephone: (540) 342-2000  
pfennel@crandalllaw.com

J. Gerard Stranch, IV  
Benjamin A. Gastel  
BRANSETTER, STRANCH & JENNINGS  
PLLC  
227 Second Avenue North  
Nashville, TN 37201  
Telephone: (615) 254-8801  
Facsimile: (615) 255-5419  
gerards@branstetterlaw.com

Plaintiffs' Steering Committee

**CERTIFICATE OF SERVICE**

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

November 20, 2014

/s/ Kristen A. Johnson

Kristen A. Johnson, BBO # 667261